

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CYNTHIA SEMBACH,

Plaintiff,

v.

LAKEVIEW LOAN SERVICING, LLC, M&T  
BANK, and SAFEGUARD PROPERTIES  
MANAGEMENT, LLC.,

Defendant.

Case No: 1:20-cv-00752

Honorable Andrea R. Wood

**JOINT STATUS REPORT**

Pursuant to the Court's August 20, 2021 Order [Dkt. 67], the parties jointly submit the following status report:

**1. Status of Discovery:**

**Safeguard Properties Management, LLC's Position:** Plaintiff has issued written discovery requests to Defendants Lakeview Loan Servicing, LLC ("Lakeview"), M&T Bank ("M&T"), and Safeguard Properties Management, LLC ("Safeguard"). Defendants had filed motions for extensions of time to respond based on the pending motions to dismiss, which were decided by the court on August 20, 2021. Defendants will respond to all outstanding discovery requests, and issue discovery to plaintiff based on the pleadings now at issue by September 10, 2021. Along with its answer, Defendant Safeguard filed a third-party action on September 3, 2021 against a vendor, 3C Price, Inc., based on the allegations remaining in the complaint. Based on this filing, the parties propose a fact discovery cut-off date of December 31, 2021. It is unclear whether any party will need any expert witnesses at this point, and the need for experts can be explored near the end of fact discovery.

**Plaintiff's Position:** Plaintiff issued discovery requests to Defendants Lakeview Loan Servicing and M&T Bank on November 27, 2020. After receiving multiple extensions to respond to Plaintiff's discovery requests, and despite multiple follow-ups by Plaintiff's counsel, Lakeview Loan Servicing and M&T Bank have yet to respond to Plaintiff's discovery requests. The requests to admit have been deemed admitted by operation of Fed. R. Civ. P. 36(a)(3). On March 24, 2021, Plaintiff filed a Motion to Compel Defendants Lakeview Loan Servicing and M&T Bank to respond to Plaintiff's discovery requests [Dkt. 64]. The Court has yet to rule on Plaintiff's Motion to Compel. Plaintiff requests that the Court enter an Order compelling Lakeview Loan Servicing and M&T Bank to respond to Plaintiff's interrogatories and requests for production by September 10, 2021. Notably, Lakeview Loan Servicing and M&T Bank's motion for extension of time to respond to Plaintiff's discovery requests [Dkt. 61] sought an extension through January 27, 2021 to respond to Plaintiff's discovery requests. Nearly **8 months** later, Lakeview Loan Serving and M&T Bank have yet respond to Plaintiff's discovery requests.

Plaintiff issued discovery requests to Defendant Safeguard on November 27, 2020. After receiving multiple extensions to respond to Plaintiff's discovery requests, and despite multiple follow-ups by Plaintiff's counsel, Safeguard has yet to respond to Plaintiff's discovery requests. The requests to admit have been deemed admitted by operation of Fed. R. Civ. P. 36(a)(3). Notably, Safeguard's motion for extension of time to respond to Plaintiff's discovery requests [Dkt. 60] sought an extension through January 27, 2021 to respond to Plaintiff's discovery requests. Nearly **8 months** later, Safeguard has yet respond to Plaintiff's discovery requests. Plaintiff requests that the

Court enter an Order compelling Safeguard to respond to Plaintiff's interrogatories and requests for production by September 10, 2021

Defendants' collective failure to respond to Plaintiff's discovery requests has significantly delayed this case and frustrated Plaintiff's ability to prosecute her case in a timely fashion. Simply put, there is no valid excuse for Defendants' collective failure to comply with their most basic discovery obligations and the Court should not reward Defendants for their conscious decision to ignore their discovery obligations. Plaintiff is agreeable to the December 30, 2021 discovery deadline proposed by Safeguard.

**Lakeview Loan Servicing and M&T Bank's Position:**

Plaintiff has issued written discovery requests to Defendants Lakeview Loan Servicing, LLC ("Lakeview") and M&T Bank ("M&T"). Defendants previously filed a motion to stay discovery and motion for extension of time to respond based on the pending motions to dismiss, which were decided by the Court on August 20, 2021. Defendants will respond to all outstanding discovery requests, and issue discovery to Plaintiff based on the pleadings now at issue by September 10, 2021. Defendants do not believe expert witnesses will be needed at this time, but remain open to discussing the need with the other parties as the case progresses. Defendants are agreeable to the December 30, 2021 discovery cut-off date proposed by Safeguard.

2. **Status of Settlement Discussion:** The parties anticipate on exploring settlement after fact discovery is completed and before any potential dispositive motions are filed. The

parties would be interested in a referral to the magistrate judge for a settlement conference after fact discovery is near completion.

3. **Necessity of a Status Hearing:** A status hearing is set in this matter for September 9, 2021, at 11:00 a.m.

Dated: September 3, 2021

**PLAINTIFF CYNTHIA  
SEMBACH**

By: /s/ Mohammed O. Badwan  
Mohammed O. Badwan  
Victor T. Metroff  
Sulaiman Law Group, Ltd.  
2500 S. Highland Avenue, Suite 200  
Lombard, IL 60148  
Phone: (630) 575-8180  
Facsimile: (630) 575-8188  
mbadwan@sulaimanlaw.com  
vmetroff@sulaimanlaw.com

**DEFENDANTS LAKEVIEW LOAN  
SERVICING, LLC AND M&T BANK**

By: /s/ Punit Marwaha  
Punit Marwaha  
Troutman Sanders LLP  
227 W. Monroe Street  
Suite 3900  
Chicago, Illinois 60606  
Phone: (312) 759-5949  
punit.marwaha@troutmansanders.com

**DEFENDANT SAFEGUARD  
PROPERTIES MANAGEMENT, LLC**

By: /s/ Panos T. Topalis

Panos T. Topalis  
Kevin J. Grigsby  
Tribler Orpett and Meyer, P.C.  
225 West Washington Street  
Suite 2550  
Chicago, IL 60606  
(312) 201-6400  
pttopalis@tribler.com  
kjgrigsby@tribler.com